

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEVEN RANAE GLEEN CANDLER,

Plaintiff,

v.

JOHN & JANE DOES, et al.,

Defendants.

No. 1:23-cv-00459-JLT-SAB (PC)

ORDER DIRECTING PLAINTIFF TO
PROVIDE WRITTEN NOTICE
IDENTIFYING DOE DEFENDANT FOR
SERVICE OF PROCESS OR SHOW CAUSE
WHY ACTION SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE

(ECF No. 48)

Plaintiff is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's excessive force claim against the unidentified correctional officer at Wasco State Prison.

On October 17, 2023, the Court issued an order sending Plaintiff a copy of Form AO 88B to complete and return within thirty days and granted Plaintiff ninety days to file a motion for to substitute a named Defendant in place of the sole Doe Defendant. (ECF No. 38.)

On October 30, 2023, Plaintiff filed a motion to substitute the named Defendant. (ECF No. 39.) On October 31, 2023, the Court denied Plaintiff's motion for substitution, without prejudice, because he was seeking to amend the complaint to substitute Defendants based on an incident not at issue in this case. (ECF No. 41.) The Court denied Plaintiff's second motion for substitution based on the same grounds as the first motion on November 9, 2023. (ECF Nos. 43,

44.)

On November 27, 2023, the Court denied Plaintiff's motion to amend the complaint because he was again seeking to amend the complaint to substitute and add the names of three Doe Defendants at the Visalia County Jail-who are not at issue in this case. (ECF Nos. 45, 46.)

On December 11, 2023, the Court denied Plaintiff's sixth request for appointment of counsel and granted Plaintiff thirty days to complete and return the Form AO88B and ninety days to file a motion to substitute the Doe Defendant. (ECF No. 48.) Plaintiff was warned that failure to comply with the Court's order would result in dismissal of the action. (Id. at 3.)

The deadline for Plaintiff to provide identifying information for Defendant Doe has expired, and Plaintiff has not filed a response. As Defendant Doe is the only Defendant in this action, if Plaintiff fails to provide identifying information for Defendant Doe, this action will be dismissed.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Within **fourteen (14)** days from the date of service of this order, Plaintiff shall file a motion to substitute the identify of Defendant Doe that provides the Court with enough information to locate the defendant for service of process, or shall show cause in writing why Defendant John Doe should not be dismissed from this action for failure to prosecute; and

2. Plaintiff's failure to comply with this order will result in the dismissal of the unidentified Defendant from this action for failure to serve with process pursuant to Federal Rule of Civil Procedure 4(m), and dismissal of this action, without prejudice, for failure to prosecute.

IT IS SO ORDERED.

Dated: **March 15, 2024**


UNITED STATES MAGISTRATE JUDGE